

RULE 213.1

Standards for Permits to Operate Air Quality Impact

- (a) Requirement for Permit to Construct as Condition for Permit to Operate:

The Air Pollution Control Officer shall deny a permit to operate for any stationary source subject to the requirements of [Rule 213](#) unless the applicant has obtained a permit to construct.

- (b) Air Quality Impact Analysis for Sources Emitting Larger Quantities of Air Contaminants Than Assumed in the Analysis Performed Pursuant to [Rule 213](#):

The Air Pollution Control Officer shall not grant a permit to operate to any stationary source that he determines emits quantities of air contaminants larger than were assumed in the analysis performed for the permit to construct for the source, unless the Air Pollution Control Officer performs the air quality impact analysis required by [Rule 213](#) and determines that the actual emissions from the source will not cause a violation of, or will not interfere with the attainment or maintenance of, any state or national ambient air quality standard.

- (c) Permit Conditions:

The Air Pollution Control Officer shall condition the issuance of a permit to operate, on such terms as are deemed necessary to ensure that the stationary source will be operated in the manner assumed in making the analysis required by [Rule 213](#) or [subsection \(b\)](#) of this Rule, whichever is applicable. Where appropriate, such conditions shall prohibit a new stationary source which is a replacement for an existing stationary source from operating, unless the operation of the existing source is terminated. The Air Pollution Control Officer may allow a maximum of 90 days as a start-up period for simultaneous operation of the existing stationary source or replaced portion thereof, and the new stationary source or replacement portions thereof.

- (d) Exemptions:

The Air Pollution Control Officer shall exempt from the provisions of this Rule, any stationary source which:

- (1) Has received a permit to construct prior to the adoption of [Rule 213](#).
 - (2) Is a continuing operation, without modification, of a stationary source that was previously exempt from the permit provisions of these Rules and Regulations and a permit to operate is required solely because of a change of permit exemptions stated in [Rule 219](#).
- (e) Severability

If any portion of this Rule shall be found to be unenforceable, such finding shall have no effect on the enforceability of the remaining portions of the Rule, which shall continue to be in full force and effect.

[SIP: Not SIP; Superseded by approval of Reg. XIII as adopted 7/21/80, 6/9/82, 47 FR 25013 40 CFR 52.220(c)(887)(iv); Approved 11/9/78. 43 FR 52237, 40 CFR 52.220(c)(39)(ii)(B) and 40 CFR 52.220(c)(31)(vi)(C)]